

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/469,399
Applicant : David E. Edgren et al.
Filed : December 22, 1999
Art Unit : 1616
Examiner : Frank I. Choi

Confirmation No. 4929

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FEB 23 2004

Docket No. : ARC 2885 R1
Customer No. : 27777
Title : Gastric Retention Dosage Form Having Multiple Layers

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.114 AND §1.111

Honorable Sir:

This is a response to the Office Action dated August 13, 2003. This response is filed with a Request for Continued Examination and accompanied by a Petition, as well as the appropriate fee, to obtain a three-month extension of the period for responding to the Office action, thereby moving the deadline for response from November 13, 2003 to February 13, 2004.

Remarks/arguments begin on page 2 of this paper.



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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07-16-2003. GPO 2001-339.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/469,399
<i>Filing Date</i>	December 22, 1999
<i>First Named Inventor</i>	David E. Edgren
<i>Art Unit</i>	1616
<i>Examiner Name</i>	Frank I. Choi
<i>Attorney Docket Number</i>	ARC2885R1

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2004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 - ii. Other _____

- ## 2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 Other _____

- 3 Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. Deposit Account No. 10-0750

- | | | | | | | |
|------|-----------------------------------------------------------------------------------|------------|----------|----------|--------|----------|
| i. | <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) | 02/19/2004 | SZENDIE1 | 00000059 | 100750 | 09469399 |
| ii. | <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) | 01 | FC:1801 | 770.00 | DA | |
| iii. | <input type="checkbox"/> Other _____ | | | | | |

- b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature: Adenike A. Adewuya **Registration No. (Attorney/Agent):** 42,254
Signature: Adenike A. Adewuya **Date:** 2/12/2004

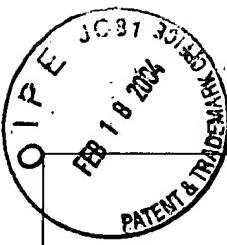
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Name (Print/Type)	Adenike A. Adewuya	Date	2/12/2004
Signature			

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DEWIPAT No. 30.016.10.US
UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FORM

Application Number	09/469,399
Filing Date	December 22, 1999
First Named Inventor	David E. Edgren
Title	Gastric Retention Dosage Form Having Multiple Layers
Art Unit	1616
Confirmation Number	4929
Examiner Name	Frank I. Choi
Total Number of Pages Submitted	Attorney Docket Number
	ARC 2885 R1
	FEB 23 2004

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>)
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Request for Continued Examination Transmittal
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Acknowledgement Postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52/1.53	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Drawing(s)	
<input type="checkbox"/> Licensing-related Papers	
<input type="checkbox"/> Petition to Revive Abandoned Application	
<input type="checkbox"/> Petition to Convert to a Provisional Application	
<input type="checkbox"/> Petition	
<input checked="" type="checkbox"/> Power of Attorney, Associate, Revocation, Change of Correspondence Address	
<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> After Allowance Communication to Group	

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm/Individual Adenike A. Adewuya

Signature *Adenike Adewuya*

Date 2/12/2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Adenike A. Adewuya

Signature *Adenike Adewuya*

Date 2/12/2004



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1720)

Complete if Known

Application Number	09/469,399
Filing Date	December 22, 1999
First Named Inventor	David E. Edgren
Examiner Name	Frank I. Choi
Art Unit	1616
Attorney Docket No.	ARC 2885 R1

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FEB 23 2004

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	10-0750
Deposit Account Name	Johnson & Johnson

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=
Multiple Dependent	-3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1720)

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Adenike A. Adewuya	Registration No. (Attorney/Agent)	42,254
Signature	Adenike Adewuya	Date	2/12/2004

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